

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Alexandria Division

In re: )  
 )  
BV MANAGEMENT LLC, )  
 )  
Debtor. )  
 )  
JANET M. MEIBURGER, ) Civil Action No. 1:24-cv-1443 (RDA/LRV)  
 )  
Plaintiff, )  
 )  
v. )  
 )  
TD BANK USA, N.A., )  
 )  
Defendant. )

**ORDER**

This matter comes before the Court upon the Report and Recommendation (“Recommendation”) issued by United States Bankruptcy Judge Brian F. Kenney on July 31, 2024. Dkt. 2. In her Complaint, Plaintiff Janet M. Meiburger brought the following three claims against Defendant TD Bank USA, N.A.: “(i) Avoidance of Fraudulent Transfers Pursuant to 11 U.S.C. § 548(a); (ii) Avoidance of Unauthorized Postpetition Transfers Pursuant to 11 U.S.C. § 549(a); and (iii) Recovery of Avoided Fraudulent Transfers and Unauthorized Postpetition Transfers Pursuant to 11 U.S.C. § 550(a)(1).” Dkt. 2 at 5. Judge Kenney recommends that this Court grant Plaintiff’s Motion for Default Judgment, and that a money judgment be entered for Plaintiff in the amount of \$17,683.35. *Id.* Pursuant to Bankruptcy Rule 9033(b), the deadline for submitting objections to Judge Kenney’s Recommendation was within 14 days after being served with the Recommendation. Fed. R. Bankr. P. 9033. To date, no objections have been filed.

After reviewing the record and Judge Kenney's Recommendation, and finding no clear error,<sup>1</sup> the Court hereby APPROVES and ADOPTS the Recommendation (Dkt. 2). Accordingly, it is hereby ORDERED that Plaintiff's Motion for Default Judgment (No. 24-01026-BFK, Dkt. 9) is GRANTED; and it is

FURTHER ORDERED that Plaintiff be awarded damages in the total amount of \$17,683.35; and it is

FURTHER ORDERED that Plaintiff be awarded post-judgment interest on the award in accordance with 28 U.S.C. § 1961.

The Clerk is directed to enter judgment for Plaintiff in this matter pursuant to Federal Rule of Civil Procedure 55, forward copies of this Order to counsel of record.

It is SO ORDERED.

Alexandria, Virginia  
October 7, 2024

  
/s/  
Rossie D. Alston, Jr.  
United States District Judge

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<sup>1</sup> Bankruptcy Rule 9033 requires this Court to "make a de novo review upon the record . . . of any portion of the bankruptcy judge's findings of fact or conclusions of law to which *specific written objection* has been made." Fed. R. Bankr. P. 9033 (emphasis added). Given that no objection has been made to Judge Kenney's Recommendation, this Court is satisfied that "there is no clear error on the face of the record" and will accept the Recommendation. *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (holding that in the absence of any objections to a Magistrate Judge's Recommendation, the Court "need not conduct a *de novo* review, but instead must 'only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation'" because the governing statute required *de novo* review only of those portions of the recommendation to which objection was made).